

PROVISIONAL ANSWER KEY

Paper: 012 - Indian Civil Procedure Code and Kerala Civil Rules of Practice
Date of Test 04-05-2023

Question1:-Representative suit means a suit

- A:-Filed by one person on behalf of another
- B:-Filed by a person as a legal heir when the original owner dies
- C:-Filed by one among the numerous persons having the same interest
- D:-All the above

Correct Answer:- Option-C

Question2:-When the plaintiff has not answered the interrogatories court shall

- A:-Impose penalties on the plaintiff
- B:-Decided the case as per the defendants contentions
- C:-Dismiss the suit for want of prosecution
- D:-All the above

Correct Answer:- Option-C

Question3:-A suit is filed before a competent court when the same cause of action is pending for consideration in a previously instituted suit between the same parties before another court then the second suit will cause

- A:-Res-subjudice
- B:-Constructive resjudicata
- C:-Resjudicata
- D:-The problem of estoppels

Correct Answer:- Option-A

Question4:-A decree against a public servant in respect of an act done by him in his official capacity can be executed,

- A:-Immediately
- B:-If the decree remains unsatisfied for two months
- C:-If the decree remains unsatisfied for three months
- D:-Six months after the date on which a copy of the decree was delivered to the decree holder

Correct Answer:- Option-C

Question5:-On 01.03.2020 a caveat was lodged. In a suit filed on 03.06.2020 in respect of the subject matter of the caveat, an application filed. The court refused to issue notice to the caveator. The action _____.

- A:-Proper
- B:-Illegal
- C:-Irregular
- D:-Improper

Correct Answer:- Option-A

Question6:-The defendant wants to file an application U/s 152 CPC to correct an accidental slip in a judgement. It should be filed _____.

- A:-Within 30 days
- B:-Within 60 days
- C:-Within 90 days
- D:-Anytime

Correct Answer:- Option-D

Question7:-A suit was filed against five defendants. Defendants 2 to 4 want the first defendant to act for them.

- A:-It is sufficient for the 1st defendant to make a declaration in the court.
- B:-Defendants 2 to 4 should give an authorization in writing which shall be filed in court.
- C:-The first defendant or defendants 2 to 4 should get the permission of the court.
- D:-It is necessary for the 1st defendant to file a declaration in court and get the leave of the court.

Correct Answer:- Option-B

Question8:-The bar under order 2 rule 2 relates to

- A:-The grounds for reliefs
- B:-The reliefs
- C:-Material particulars
- D:-Material averments

Correct Answer:- Option-B

Question9:-CPC contained _____ sections.

- A:-158
- B:-163
- C:-147
- D:-157

Correct Answer:- Option-A

Question10:-The suit in which the right to property or to an office is contested is

- A:-An inter pleader suit
- B:-A suit of civil nature
- C:-Not a civil dispute in its strict sense
- D:-None of the above

Correct Answer:- Option-B

Question11:-The provision regarding "stay of suit" is contained in

- A:-S. 13 of CPC
- B:-S. 10 of CPC
- C:-S. 11 of CPC
- D:-S. 9 of CPC

Correct Answer:- Option-B

Question12:-What is the difference between stay of suit in Section 10 and Resjudicata in S. 11 of CPC?

- A:-In Rejudicata the matter in issue has already been finally decided but in stay of suit the matter is still pending for consideration.
- B:-In Rejudicata the matter is still pending for commiseration but in stay of suit the matter is conclusively decided.
- C:-In Rejudicata the facts of the case is same in both cases and in stay of suit the matter is different but the parties are the same.
- D:-All the above

Correct Answer:- Option-A

Question13:-Which among the following is not a suit of civil nature?

- A:-A suit to establish a right worship
- B:-A suit for the right to privacy
- C:-A suit to declare a right to take out religion procession
- D:-None of the above

Correct Answer:- Option-B

Question14:-Constructive rejudicata is explained in

- A:-S. 11 of CPC
- B:-S. 11 clause 3 of CPC
- C:-S. 11 explanation IV of CPC
- D:-S. 10 of CPC

Correct Answer:- Option-C

Question15:-Order VII deals with

- A:-Written Statement
- B:-Set-off
- C:-Precept
- D:-Particulars of Pleat

Correct Answer:- Option-D

Question16:-Which among the following type of cases the plea of "set-off" is possible?

- A:-Suit for money
- B:-Suit for maintenance
- C:-Suit for declaration
- D:-Suit for partition of property

Correct Answer:- Option-A

Question17:-The law relating non-joinder of parties is explained in

- A:-Order I Rule 9 of CPC
- B:-Order V Rule 7 of CPC
- C:-Order 1 Rule 6 of CPC
- D:-Order 11 Rule 10 of CPC

Correct Answer:- Option-A

Question18:-Amendment of pleadings explained in

- A:-Order VI Rule 17
- B:-Order VII Rule 16
- C:-Order VI Rule 19
- D:-Order V Rule 1

Correct Answer:- Option-A

Question19:-When the suit is pending information as to facts is required, the party is allowed to administer a series of questions to his adversary.

Such questions are called

- A:-Multifirionseners
- B:-Re-examination of parties
- C:-Interrogatories
- D:-All the above

Correct Answer:- Option-C

Question20:-The provision for filing a caveat is explained in

- A:-S. 148
- B:-S. 148 A
- C:-S. 158 A
- D:-S. 158 B

Correct Answer:- Option-A

Question21:-Which among the following section contain the appeal provision _____.

- A:-S 99 of CPC
- B:-S 106 of CPC
- C:-S 96 of CPC
- D:-S 97 of CPC

Correct Answer:- Option-C

Question22:-A caveat is remain in force up to a maximum period of

- A:-30 days
- B:-120 days
- C:-60 days
- D:-90 days

Correct Answer:- Option-D

Question23:-The period of limitation for filing an appeal to the High Court is _____.

- A:-90 days
- B:-150 days
- C:-30 days
- D:-60 days

Correct Answer:- Option-A

Question24:-Provisions for second appeal is mentioned in

- A:-S 92 of CPC
- B:-S 99 of CPC
- C:-S 100 of CPC
- D:-S 96 of CPC

Correct Answer:- Option-C

Question25:-Which section deals with revision?

- A:-S 115
- B:-S 117
- C:-S 114
- D:-S 116

Correct Answer:- Option-A

Question26:-Recovery of possession in execution is explained in

- A:-Order XXI Rule 95
- B:-Order XXI Rule 35
- C:-Order XXI Rule 41
- D:-Order XXI Rule 50

Correct Answer:- Option-B

Question27:-The court which has the power to consider the reference made by a court is

- A:-District court
- B:-Any court
- C:-High court
- D:-Sub court

Correct Answer:- Option-C

Question28:-Which section empowers the High Court to call for the records of cases decide by inferior court?

- A:-S 115 of CPC
- B:-S 114 of CPC
- C:-S 113 of CPC
- D:-S 112 of CPC

Correct Answer:- Option-C

Question29:-The general power of transfer and withdrawal of cases by the High Court or the District Court deals with

- A:-S 24 of CPC
- B:-S 22 of CPC
- C:-S 21 of CPC
- D:-S 23 of CPC

Correct Answer:- Option-A

Question30:-A fresh proclamation is necessary if the court adjourned the sale for more than _____ days.

- A:-10 days
- B:-30 days
- C:-45 days
- D:-60 days

Correct Answer:- Option-B

Question31:-Transfer of cases from one court to another U/s 22 shall be filed

- A:-Before issued are formed
- B:-Before examination of parties
- C:-Before settlement of issues
- D:-All the above

Correct Answer:- Option-C

Question32:-Suit for compensation for wrongs to a person or movable can be filed before the court

- A:-In whose jurisdiction the wrong committed or before the court in whose jurisdiction the defendant resides
- B:-In whose jurisdiction the plaintiff resides
- C:-In either of the court in whose jurisdiction the defendant or the plaintiff resides
- D:-All the above

Correct Answer:- Option-A

Question33:-The suit relating to immovable property shall be filed in the court

- A:-Within the local limit of whose jurisdiction the property is situated
- B:-Within the local limit of whose jurisdiction the defendant resides
- C:-Before such a court in whose local jurisdiction the substantial portion of the property situated
- D:-None of the above

Correct Answer:- Option-B

Question34:-Which is the lengthiest order in CPC?

- A:-Order XXX
- B:-Order XX
- C:-Order XXI
- D:-Order X

Correct Answer:- Option-A

Question35:-When different causes of actions are joined against different defendants separately, such a misjoinder technically called as

- A:-Multifariousness
- B:-Misjoinder of parties
- C:-Non-joinder of parties
- D:-None of the above

Correct Answer:- Option-A

Question36:-Which among the following is not a ground for reference?

- A:-A pending case involved a question as to the validity of an actor ordinance
- B:-Whether there arises a substantial question of law
- C:-The lower court believes that an act or regulation is invalid but it is not declared as invalid
- D:-None of these

Correct Answer:- Option-B

Question37:-What is the provision dealing with suit by or against the minor?

- A:-Order XXII
- B:-Order XXXIV
- C:-Order XXXII
- D:-Order XXXIII

Correct Answer:- Option-C

Question38:-Suit against the government requires notice under

- A:-S 80 of CPC
- B:-S 82 of CPC
- C:-S 85 of CPC
- D:-S 87 of CPC

Correct Answer:- Option-A

Question39:-Suit by a minor shall be instituted in his name by a person called

- A:-Guardian
- B:-Representative
- C:-Next friend
- D:-All the above

Correct Answer:- Option-C

Question40:-A suit against the government may be instituted only after the expiry of

- A:-120 days notice to the government
- B:-30 days notice to the government
- C:-60 days notice to the government
- D:-90 days notice to the government

Correct Answer:- Option-C

Question41:-Whether the defendant is a minor, the court shall appoint proper person to contest the case for such person. He is called as

- A:-Guardian
- B:-The legal heir
- C:-Next friend
- D:-None of the above

Correct Answer:- Option-A

Question42:-If the tenure of the receiver is not expressly mentioned he can continue up to _____.

- A:-The date of judgment
- B:-The time of recording evidence
- C:-The period till he is discharged
- D:-All the above

Correct Answer:- Option-C

Question43:-The main object of an injunction is

- A:-To prevent the defendant
- B:-To prevent the waste in the property
- C:-To maintain statusquo
- D:-To prevent multicliplity of proceedings

Correct Answer:- Option-C

Question44:-The court sale become absolute only after the lapse of at least _____ days.

- A:-30 days
- B:-60 days
- C:-15 days
- D:-90 days

Correct Answer:- Option-A

Question45:-Temporary injunction is a _____.

- A:-Preventive relief
- B:-Positive relief
- C:-Preventive or negative relief
- D:-None of the above

Correct Answer:- Option-C

Question46:-Court shall pronounce the judgment

- A:-Immediately after the hearing or within 15 days of hearing or if not possible within 30 days and for further delay court has to record reasons
- B:-Within 30 days
- C:-At any time of the court deems fit
- D:-All the above

Correct Answer:- Option-A

Question47:-Execution proceedings contained in

- A:-Section 46 to 94 and Rule 1-96 of order XXI
- B:-Section 46 to 74 and Rule 1-106 of order XXI
- C:-Section 64 to 74 and Rule 1-104 of order XXI
- D:-Section 56 to 96 and Rule 1-108 of order XXI

Correct Answer:- Option-B

Question48:-Which among the following cannot be attached before judgment?

- A:-Movable property
- B:-Leased property
- C:-Agricultural produce of an agriculturist
- D:-Immovable property

Correct Answer:- Option-C

Question49:-Appointment of receiver by the court is explained in

- A:-Order XL Rule 1
- B:-Order XLI Rule 3
- C:-Order XL Rule 4
- D:-Order IX Rule 9

Correct Answer:- Option-A

Question50:-What is the maximum period of detention when a person is arrested before judgment and filed to furnish security?

- A:-3 months
- B:-15 days
- C:-6 months
- D:-30 days

Correct Answer:- Option-C

Question51:-Attachment of property before judgment is allowed under

- A:-Order XXXVIII Rule 1
- B:-Order XXXVIII Rule 5
- C:-Order XXXVIII Rule 2
- D:-Order XXXVIII Rule 8

Correct Answer:- Option-B

Question52:-What is the provision which empowers the court to issue commission to make a local investigation?

- A:-Order 8 of CPC
- B:-Order 9 of CPC
- C:-S 95 of CPC
- D:-Section 75, Order XXVI Rule 9 of CPC

Correct Answer:- Option-D

Question53:-Court may issue an order for the arrest of the defendant before the judgment of the case under

- A:-Order XXXVIII Rule 1
- B:-Order XXXVIII Rule 5
- C:-Order XX Rule 1
- D:-Order XXI Rule 36

Correct Answer:- Option-A

Question54:-Appointment of receiver should be made

- A:-Before judgment
- B:-After decree
- C:-Before or after decree
- D:-None of the above

Correct Answer:- Option-C

Question55:-An order or direction by one court to another requiring some act to be done is known as

- A:-Precepts
- B:-Caveat
- C:-Garnishing order
- D:-Decree

Correct Answer:- Option-A

Question56:-What is the limitation period to set aside sale in execution of decree?

- A:-90 days
- B:-60 days
- C:-30 days
- D:-3 months

Correct Answer:- Option-B

Question57:-The property liable to attachment and sale in execution of the decree is provided in

- A:-S. 60 of CPC
- B:-S. 55 of CPC
- C:-S. 59 of CPC
- D:-S. 80 of CPC

Correct Answer:- Option-A

Question58:-What is garnishee order?

- A:-It is an order from the court to the judgment debtor to pay the amount
- B:-It is an order by the court to the judgment debtor to pay the amount to the court
- C:-It is an information by the judgment debtor to the creditor about the money due to the judgment debtor
- D:-None of the above

Correct Answer:- Option-B

Question59:-Which section defines a decree?

- A:-S 2(2) of CPC
- B:-S 2(4) of CPC
- C:-S 3(2) of CPC
- D:-S 4(2) of CPC

Correct Answer:- Option-A

Question60:-The term legal representative means

- A:-A person conducting case for and on behalf of another
- B:-A person represents the estate of a deceased person
- C:-A person entitled to inherit the estate of the deceased person
- D:-All the above

Correct Answer:- Option-B

Question61:-Mesne profit means:

- A:-The profit from property which is free from encumbrance
- B:-The distributable profit from immovable property not partitioned
- C:-The profit which the person in wrongful possession of property actually received
- D:-All the above

Correct Answer:- Option-C

Question62:-The statement given by the judge of the grounds of a decree is known as

- A:-Order
- B:-Decree
- C:-Interlocutory order
- D:-Judgment

Correct Answer:- Option-D

Question63:-Which among the following is not a decree?

- A:-Rejection of a plaint
- B:-Determination of any question
- C:-An order of dismissed for default
- D:-None of the above

Correct Answer:- Option-C

Question64:-When the court found that the case has no cause of action, court may

- A:-Reject the plaint
- B:-Dismiss the suit
- C:-Return the plaint
- D:-All the above

Correct Answer:- Option-A

Question65:-Which among the following reason, a plaint can be returned?

- A:-No cause of action
- B:-For want of jurisdiction
- C:-By irjudicata
- D:-None of the above

Correct Answer:- Option-B

Question66:-An immovable property was sold in execution on 01.01.2008. Application filed to set aside the sale was on 11.09.2008. But the confirmation of sale was recorded on 12.04.2008 only. The property vested in the purchaser on

- A:-01.01.2008
- B:-21.02.2008
- C:-11.04.2008
- D:-12.04.2008

Correct Answer:- Option-A

Question67:-When an assignee of one of the joint decree holders files an execution petition

- A:-Notice to transferor or JD. is not necessary before execution
- B:-Notice to transferor alone is necessary before execution
- C:-Notice to JD. alone is necessary before execution
- D:-Notice to transferor and JD. is necessary

Correct Answer:- Option-D

Question68:-A Munsiff court at Thiruvananthapuram passed a decree for Rs. 1,00,000/- on the application of the decree holder the court attached the property of the JD situated at Kottayam and sent the decree to the Munsiff Court at Kottayam for execution. The order is _____.

- A:-Legal
- B:-Illegal
- C:-Improper
- D:-Irregular

Correct Answer:- Option-B

Question69:-A suit is filed by a party in which the matter is issue has already been a matter in issue in a previously instituted suit by the same parties and the same has been finally decided by such court. Then this case shall

- A:-Barred by Rejudicata
- B:-Barred by Res-subjudice

- C:-Estoppel
- D:-May be situated
- Correct Answer:- Option-A

Question70:-"A" filed a suit for partition against "B" and "C" in a Munsiff court. While the case is pending for consideration "C" filed a case containing same matter in issue before another court. Then

- A:-The suit filed by "C" will be barred by resjudicata
- B:-The suit filed by "A" will be barred by resjudicata
- C:-The suit filed by "C" can be barred by resjudicata
- D:-None of the above

Correct Answer:- Option-C

Question71:-Resjudicata and constructive resjudicata is _____ to execution proceedings.

- A:-Applicable
- B:-Not applicable
- C:-A subjudice
- D:-None of the above

Correct Answer:- Option-A

Question72:-The difference between resjudicata and estoppels is

- A:-Resjudicata is a rule of procedure and estoppels is a piece of evidence
- B:-Resjudicata is a piece of evidence and estoppel is a rule of procedure
- C:-Estoppel binds both parties resjudicata binds only on one party
- D:-All the above

Correct Answer:- Option-A

Question73:-An ascertained sum of money is claimed in a suit for money by a set-off claim. It can be claimed

- A:-As against the defendant
- B:-Mutually between the plaintiff and the defendant
- C:-Only from the plaintiff
- D:-None of the above

Correct Answer:- Option-C

Question74:-On the failure of the plaintiff to present copies of the plaint within 7 days from the date of order of the court, if rejected the plaint. The plaintiff presented a fresh plaint

- A:-The second suit is barred
- B:-The second suit is not barred
- C:-The second suit is continuation of the first suit
- D:-The second suit is not barred if the defendant has not objection

Correct Answer:- Option-B

Question75:-When a document is rejected in evidence the court shall

- A:-Make relevant entries on it
- B:-Immediately return it
- C:-Not make any entries on it
- D:-Shall make if as an exhibit

Correct Answer:- Option-A

Question76:-A garnishee failed to pay the amount in to the court inspite of the order of the court. The court issued execution against the garnishee as if the order were a decree against him. The action of the court is

- A:-Illegal
- B:-Irregular
- C:-Improper
- D:-Valid

Correct Answer:- Option-D

Question77:-A judgment debtor who was detained in civil prison for non payment of decree debt was released on the expiry of the period of detention ordered by the court

- A:-He is discharged from the debt
- B:-He is not discharged from the debt
- C:-He is liable to be re-arrested for the same debt
- D:-He is not liable to be arrested for any debt

Correct Answer:- Option-B

Question78:-To set aside a sale under Order 21 Rule 89 CPC, the JD should deposit

- A:-The amount shown in the proclamation
- B:-The amount shown in the proclamation and 5% of the sale price
- C:-The amount specified in the proclamation less the amount paid after the proclamation and 5% of the sale price
- D:-The amount specified in the proclamation and 5% of it less the amount paid after the proclamation

Correct Answer:- Option-C

Question79:-If a defendant fails to pay costs of causing delay, the Munsiff may be

- A:-Include the amount in the decree
- B:-Direct the defendant to claim it in execution
- C:-Leave it to the defendant to decide what to do
- D:-Draw up a separate order so that it may be executed

Correct Answer:- Option-D

Question80:-The fact which is not relevant to attract the principle of Rejudicata is _____.

- A:-The reliefs prayed for in the two suits should be the same
- B:-The parties should be the same
- C:-The subject matter of the two suits should be identical
- D:-The decree in the former suit was passed by a court of competent jurisdiction

Correct Answer:- Option-A

Question81:-In which of the following cases a second suit is not barred?

- A:-The plaintiff omitted to include a relief he was entitled to in respect of the cause of action in the first suit.
- B:-The plaint was rejected for the failure of the plaintiff to correct the valuation.
- C:-A suit dismissed for the default of the plaintiff to appear after the defendant has appeared.
- D:-The plaintiff withdraw the suit with the permission of the court to file a fresh suit on the same cause of action.

Correct Answer:- Option-B

Question82:-The sale of immovable property which is attached by the court takes place after the expiry of _____ days from the date proclamation.

- A:-15 days
- B:-90 days
- C:-30 days
- D:-60 days

Correct Answer:- Option-A

Question83:-As per Rule 5(6) of Civil Rules of Practice "Execution petition means a petition to the court for the enforcement of any _____.

- A:-Decree and order
- B:-Decree only
- C:-Order only
- D:-Decree or order

Correct Answer:- Option-D

Question84:-Cheque application means an application made for the issue of a

- A:-Cheque
- B:-Promisory notes
- C:-Hundi
- D:-Truncated cheque

Correct Answer:- Option-A

Question85:-Which rule of Civil Rules of practice defines an inter locutory application?

- A:-Rule 5 (10)
- B:-Rule 5 (9)
- C:-Rule 5 (2)
- D:-Rule 6

Correct Answer:- Option-B

Question86:-Form of plaints, etc. deals with Rule _____ of Civil Ruler of practice

- A:-Rule 10
- B:-Rule 12
- C:-Rule 18
- D:-Rule 16

Correct Answer:- Option-A

Question87:-The court shall ordinarily sit from 11 a.m. to 5 p.m. with a break not exceeding _____.

- A:-1/2 an hour
- B:-One hour
- C:-2 hours
- D:-None of these

Correct Answer:- Option-B

Question88:-The cause title of plaint etc. shall set out _____.

- A:-Name of the court only
- B:-Name of the parties only
- C:-The number and years of presentation only
- D:-Name of the court and names of parties separately numbered and described as plaintiffs and defendants or petitioner and respondents or as

the case may be

Correct Answer:- Option-D

Question89:-Rule _____ deals with docketing.

- A:-Rule 82
- B:-Rule 73
- C:-Rule 26
- D:-Rule 36

Correct Answer:- Option-C

Question90:-Change of vakalath is dealt with in rule _____ of Civil Rules of practice

- A:-Rule 29
- B:-Rule 39
- C:-Rule 19
- D:-Rule 28

Correct Answer:- Option-D

Question91:-The provision for counter claim is contained in

- A:-Order VIII Rule 6 (A) to 6 (G)
- B:-Order VII Rule 9 (A) to (G)
- C:-Order VIII
- D:-Order IX Rule 9

Correct Answer:- Option-A

Question92:-'A' sues 'B' on behalf of exchange for Rs. 2000/-. 'B' holds a judgment against 'A' for Rs. 10,000/-. Here the plea of set-off can be raised by

- A:-'B' against 'A'
- B:-'A' against 'B'
- C:-Both 'A' and 'B' can claim simultaneously
- D:-None of the above

Correct Answer:- Option-A

Question93:-Which among the following is not a valid grounds for amending the suit?

- A:-The plaintiffs case will wholly displaced by the proposed by the amendment
- B:-The amendment will introduce a totally new case
- C:-The proposed amendment is for the purpose of determining the real question between the parties
- D:-All the above

Correct Answer:- Option-C

Question94:-Which among the following instances suit can be dismissed?

- A:-Non-joinder of parties in a suit
- B:-Mis-joinder of parties in a suit
- C:-Non-joinder of a necessary part in a suit
- D:-All the above

Correct Answer:- Option-C

Question95:-The provision for exparte decree is contained in

- A:-Order 10 Rule 1
- B:-Order 7 Rule 5
- C:-Order IX Rule 6
- D:-Order IX Rule 9

Correct Answer:- Option-C

Question96:-An application to set aside an exparte decree should be filed within

- A:-30 days from the date of order of exparte decree
- B:-Three months from the date of the order
- C:-60 days from the date of order of exparte decree
- D:-None of these

Correct Answer:- Option-A

Question97:-Which among the following is not a ground for setting aside the exparte decree?

- A:-Summons was not duly served
- B:-Defendant is prevented from appearing in the court
- C:-Irregularity in the service of summons
- D:-None of the above

Correct Answer:- Option-C

Question98:-What is the remedy available to the party when a decree for specific performance is willfully fails to obey it?

- A:-Heavy fine may be imposed upon him
- B:-A criminal case can be initiated against that person
- C:-Either to detain him in the Civil prison or to attach his property
- D:-All the above

Correct Answer:- Option-C

Question99:-Interlocutory applications in plaint, original petition, appeal other proceedings shall have a cause of title which may be drawn in the manner as shown in _____.

- A:-Form No. 10
- B:-Form No. 18
- C:-Form No. 13
- D:-Form No. 12

Correct Answer:- Option-C

Question100:-The posting of cases shall be to definite dates and shall be made _____.

- A:-In open court
- B:-In the chamber
- C:-In the chamber or in open court
- D:-None of the above

Correct Answer:- Option-A